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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,879	08/14/2000	Wolfgang Schmutz		8333

7590

08/08/2002

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Arlington, VA 22202

EXAMINER

WERNER, FRANK E

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



5709/600879
UNITED STATES DEPARTMENT OF COMMERCE
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on May 14, 2002
- ☒ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 22-42 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 22-42 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-848.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The proposed drawing correction, filed on 5-14-02 is ☒ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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1. Claims 22-42 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claim 22, while loading or unloading substrates has been set forth in the preamble, no means to load or unload the substrates has been set forth; also, no structural means (walls, floor, etc.) has been set forth to define the box, the installation and to support the lock device, etc.; moreover, it is not understood how the box is structurally received on the lock device, how the adapter device is structurally held on the processing installation, how the lock device is structurally fastened on the adapter device and what the lock device and adapter device are structurally comprised of; lastly, it is not understood how structurally a seal is produced between the adapter device and the installation, no gate or door means has been set forth to seal the opening and no releasable fastening means has been set forth for the lock device. Re claim 23 and 25, improper alternate claiming is present; moreover, re claims 23 & 25-29, it is not understood where (and how) structurally the adapter device is structurally supported. Re claims 30 and 42, it is not understood as to what function is provided by the roller track.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al (,808) in view of Huang et al (,702).

Bonora et al disclose an installation 20, lock device 34 having a hermetically sealable opening via means 28, transport box 38 holding substrates 40 and releasable means 42 for holding the lock device on adapter 27, the adapter being adjustably fastened on the installation by unnumbered fastening means (the left-most means in at least fig. 1A) and means 25 (and column 6, lines 19-28). While the fastening means and means 25 appear to orient the adapter device, it would have been obvious to have conventionally oriented the adapter device depending on the desired operating characteristic thereof as taught by Huang et al (74, 76, etc.). Re claims 24-29, it would have been obvious to have substituted the claimed conventional and equivalent adjusting means, if desired.

5. Claims 31-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Bonora et al (,808) in view of Huang et al (,702) as applied to claims 21-29 above, and further in view of the Japanese Patent (,347).

Note displaceable receiving table 30 (by means of 56) in Bonora et al. It would have been obvious to have included a roller track to facilitate handling as taught by the Japanese Patent (16b, etc.) Re claims 31-38, it would have been obvious to have conventionally formed the roller track (as claimed) depending on the intended use therefor.

6. The substitute specification of 5/14/02 has been entered.
7. Applicant's arguments filed May 14, 2002 have been fully considered but they are not persuasive.

5 Re Applicants' "Remarks" on pages 3-5, the same are not well-taken when a reference to the following is made: "The claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art." (and "112" rejections). In re Self, 213 USPQ 1, 5 (CCPA); In re Priest, 199 USPQ 11, 15 (CCPA 1978). Further, re the "Remarks" concerning Bonora et al's claim 1, the instant Examiner cannot be responsible for the actions of others.

10 Re the "Remarks" on page 6 concerning the reference combination, again the same are not well-taken because, contrary to Applicants' "Remarks", the reference to Bonora et al (,808) discloses adjustability of the adapter 27 with at least means 25 as found in the above discussion of the same. Moreover, the teaching references to Huang ^{etal (,702) and the Japanese Patent (,347) when combined} with the aforementioned reference to Bonora et al appear to teach the claimed subject matter.

- 15 8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank E. Werner whose telephone number is (703) 308-1140.

The examiner can normally be reached on Wednesday to Friday from 5:30 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis, can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

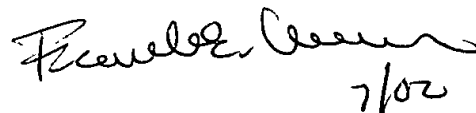
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Summary:

Claims 22-24 are rejected.

Final Rejection – SSP 3 mos.

Werner/kl
July 25, 2002



7/02

FRANK E. WERNER
PRIMARY EXAMINER
GROUP ~~3652~~ 3652